

# Halfway house term in BART bribe case

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SAN FRANCISCO — A federal judge yesterday allowed a former Bay Area Rapid Transit manager to serve a two-year bribery sentence in a halfway house instead of prison in a case that caused a furor on the BART board.

Chief U.S. District Judge Thelton Henderson rejected arguments that Helder Simas had been entrapped, or nearly entrapped, into committing his crimes. But he said the advantages of a sentence that would let Simas keep working and pay his fine outweighed the deterrent effect of imprisonment.

Simas, of Concord, worked for BART for 18 years and was a maintenance manager at the time of the crimes in 1986. He was one of several BART employees charged in a federal investigation of kickbacks and other corruption in the transit system.

He was convicted by a jury in 1989 of accepting a \$2,000 bribe from an undercover FBI agent and using \$1,800 from BART to buy personal computer equipment.

Assistant U.S. Attorney Ben Burch said Simas met in December 1986 with an FBI agent posing as a maintenance contractor, told her he had awarded a \$9,650 BART contract to her company, and collected a \$2,000 payoff the following month. Burch said Simas later arranged to have another undercover agent buy him computer equipment and other items and send fake bills to BART.

Henderson sentenced Simas to two years in prison, fined him \$42,000 and ordered him to repay BART for its losses. He has been free on bail while seeking to have his sentence changed. His lawyer says Simas' new employer has promised to pay the full fine and restitution.

A BART director, attorney Michael Bernick, wrote to the judge asking for a lighter sentence for Simas. Bernick said law enforcement activities in the case had come close to entrapment and had caused unnecessary losses to BART. He also said that since it was a non-violent crime, it would make sense to let Simas stay employed and repay the taxpayers.